UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

DANIEL UMPA, on behalf of himself and all others similarly situated,)
Plaintiffs,) 4:23-cv-00945-SRB
v.) Judge Stephen R. Bough
THE NATIONAL ASSOCIATION OF REALTORS et al.,	ORAL ARGUMENT REQUEST
Defendants.	

THE LONG & FOSTER COMPANIES, INC.'S¹ MOTION TO STRIKE CLASS ALLEGATIONS IN FAVOR OF ARBITRATION

February 26, 2024

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¹ Joined by all HomeServices Defendants. "HomeServices," "the HomeServices Defendants," and/or "HSDs" means: HomeServices of America, Inc.; BHH Affiliates, LLC; HSF Affiliates, LLC; and The Long & Foster Companies, Inc. The Long & Foster Companies, Inc. reserves all personal jurisdiction arguments, and it makes this motion in the alternative—only to be considered if its personal jurisdiction objections are overruled.

For the reasons stated in the accompanying Suggestions in Support, together with all exhibits attached thereto, the HomeServices Defendants respectfully move the Court to strike the class definition with respect to any class member who signed an arbitration agreement in Doc. 157-12 (Long & Foster Declaration and accompanying Declaration Exhibits) and require its amendment to excise the arbitrating, unnamed, absent class members.

No class can be certified. The Eighth Circuit thus directs the Court to require the plaintiff to redefine it. The motion to strike should be granted.

Dated: February 26, 2024

/s/Robert D. MacGill

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on February 26, 2024 on all counsel of record by virtue of the Court's CM/ECF System.

/s/Matthew T. Ciulla